

**YADKIN COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MINUTES**  
**August 20, 2007**

The Yadkin County Board of Commissioners met in Regular Session on Monday, August 20, 2007 at 7:00pm, in the Yadkin County Human Services Building (Commissioners Meeting Room), 217 East Willow Street, Yadkinville, NC.

**Present were:**

Chair Kim Clark Phillips  
Vice Chair Tommy Garner  
Commissioner Brady Wooten  
Commissioner Chad Wagoner

[Commissioner Joel Cornelius was absent from today's meeting]

**Staff present:** County Manager, Eric Williams; County Attorney, James Graham; and Clerk to the Board, Gina Brown.

**CALL TO ORDER** by Chair Phillips at 7:02 pm

**INVOCATION** by James Graham

**PLEDGE OF ALLEGIANCE** led by Chair Phillips

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

**Commissioner Wooten made a motion to accept the agenda as presented.**

**Commissioner Wagoner second.**

**Vote: 4-0**

**SPECIAL PRESENTATION**

Polly Wood, Chairman of the Sesquicentennial Quilt Committee, introduced the Sesquicentennial Framed Quilt that is on display in the Commissioners Chambers. Mrs. Wood thanked the Board of Commissioners for allowing the display in the Commissioners Chambers and recognized various persons involved with the quilt including Mr. and Mrs. J.E. and Patsy Brown and Nola Rich.

Patsy Brown, Quilt Designer, described the quilt design and its representation of the culture and heritage of Yadkin County. The center of the quilt contains the sesquicentennial seal designed by a local high school student. Surrounding the seal are the Yadkin County Courthouse; agricultural symbols such as, corn, dairy, and poultry; a church representing faith, and the County flag. The quilt is surrounded by tobacco leaves representing the importance of tobacco throughout Yadkin's history.

J.E. Brown, photographer and framing professional, offered that this was the second largest frame he had completed in his profession. The frame is made of pine and completed with plexiglas to be more flexible and less susceptible to breakage.

Chair Phillips thanked the representatives of the Sesquicentennial Quilt Committee for the beautiful piece of artwork, for allowing it to be displayed in the Commissioners Chambers, and for their countless hours and dedication to preserving the Yadkin heritage. Chair Phillips read a Certificate of Appreciation for Polly Wood, J.E. Brown, and Patsy Brown. The certificates were not presented at today's meeting as the signature of Commissioner Cornelius is still needed. Clerk, Gina Brown, will distribute the certificates when ready.

**[Certificate of Appreciation could not be added electronically to the minutes, instead is offered as a hard copy and attached as Addendum A]**

## **PUBLIC COMMENTS**

There were no speakers for Public Comment at today's meeting. Public Comment section of the agenda was closed at 7:13pm.

## **APPROVAL OF MINUTES**

Commissioner Wooten requested the following adjustment to the Minutes:

July 23, 2007 – page 26, 4<sup>th</sup> paragraph: the motion should read as follows:

“Commissioner Wooten made a motion to go forward with the transfer of the pump station, expenses to be shared equally with the Town of Jonesville, and expenses not to exceed \$25,000 in county funds.”

Chair Phillips requested the following adjustments to the Minutes:

July 23, 2007 – page 28, 7<sup>th</sup> paragraph: the word ‘amended’ should be replaced with ‘adjusted’

July 23, 2007 – page 29, 3<sup>rd</sup> paragraph: the word ‘amended’ should be replaced with ‘adjusted’

July 23, 2007 Closed Session Minutes – page 51, 2<sup>nd</sup> paragraph: motion approving \$120.00 fee to expunge an erroneous record should be moved to the regular minutes as motions cannot be made during closed sessions [Added to July 23, 2007 Regular Minutes as paragraph 2 on page 27]

August 6, 2007 – page 64, 5<sup>th</sup> paragraph: change ‘Mr. Benfield’ to ‘Dr. Benfield’

**Motion by Commissioner Wooten, second by Commissioner Garner, to approve the following minutes with the noted adjustments:**

**July 2, 2007 Regular Meeting Minutes**

**July 2, 2007 Closed Session Minutes**

**July 23, 2007 Regular Meeting Minutes**

**July 23, 2007 Closed Session Minutes**

**August 6, 2007 Regular Meeting Minutes**

**Vote: 4-0**

## **PUBLIC HEARING**

- (1) Planning & Development Director, Kim Bates, requested a zoning text amendment to clarify the Bona Fide Farming Exemption, Articles 1, 11, 17, and 21 upon recommendation of the Planning Board.

*July 9, 2007: Recommended by the Planning Board for Adoption:*

*Proposed Zoning Text Amendments, intended as a package, to clarify the Bona Fide Farming exemption from all county zoning regulations as mandated by the NC General Statutes, and to make these regulations more consistent with those Statutes as they have been recently amended, effective January 1, 2007.*

## ARTICLE 1. Legal Provisions

*[Replace the existing text of Article 1, Section 5, with the following]*

### **Section 5. Bona Fide Farms Exempt**

Pursuant to the state enabling legislation for county zoning, N.C General Statute 153A-340(b), the provisions of this Ordinance shall not apply to bona fide farms as defined in Article 21, nor to any uses or activities defined as agricultural or farming uses in N.C. General Statute 106-581.1:

#### **" § 106-581.1. Agriculture defined.**

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

- (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- (2) The planting and production of trees and timber.
- (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- (4) Aquaculture as defined in G.S. 106-758.
- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm."

This Ordinance does not impose nor exercise any controls over croplands, timberlands, pasturelands, orchards, vineyards or idle or other farmlands. Nor does this ordinance exercise control over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses, including Kennels as defined in Article 21 and the rearing and care of other animals not included in the definition of Livestock in Article 21, shall be subject to the provisions of this Ordinance.

## ARTICLE 11. Table of Uses

*[Delete the following entries from the Table, as uses exempt from zoning regulation]*

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Bona fide farms	p	p	p	p	p	p	p	p	p	p	p
Botanical gardens	p	p	p	p	p	p		p	p	p	p
Commercial greenhouses	c							p	p	p	p
Commercial nurseries	c							p	p	p	p
Forestry	p	p	p	p	p	p	p	p	p	p	p
Horse show/riding facility	c										
Private greenhouses	p	c	c	c							
Stable	p							p			

## ARTICLE 17. Conditional Uses (Section 8)

*[Delete Commercial Greenhouses and Nurseries from this section]*

Farm Supplies, Grading operation, Landscapers, Lawn and garden care, Lawn and garden supplies, Tree service

Zoning Districts: RA

Site Standards:

1. All commercial buildings, storage sheds, and similar structures and parking or storage areas for vehicles, equipment, or supplies shall be set back from all property lines and street rights-of-way, a minimum of twice (2x) the required setbacks for the principal building in the zoning district in which the property is located.
2. Paving equipment and paving material storage shall not be permitted.
3. Non-operational equipment shall not be permitted.

Screening and Fencing: Parking areas and outdoor areas used for storage of equipment or supplies must be screened from adjacent properties. These buffers must meet the requirements of Article 18 (Buffers and Screening) of this Ordinance.

*[Delete Private Greenhouses from this section]*

Private Greenhouses

Zoning Districts: RR, RL, RG

Site Standards:

1. Setbacks shall be twice (2x) the district standard (see Article 12).
2. Greenhouse shall be located at least 75 feet from any existing dwelling on adjoining property.
3. Greenhouse shall be limited in area to 250 square feet

Screening and Fencing: Buffers shall be installed to meet the requirements of Article 18 (Buffers and Screening) of this Ordinance.

*[Add Provision #4 to the following text, for Wineries located on farm/vineyard properties]*

## **Winery**

Zoning Districts: RA, CB, HB

Site Standards:

1. Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purposes is minimal.
2. All structures, buildings, storage areas, etc. (except fences or walls) associated with the winery must be two times (2X) the set back for the applicable zoning district from all property lines or street rights-of-way.
3. A facility serving as an established Cooperative Winery or as an independent commercial winery may be permitted without the presence of an on-site vineyard, if, in the Board's estimation, the facility will benefit, cater to, and serve the vineyards of Yadkin County and surrounding areas.
4. A winery may be operated in association with an existing vineyard, which by definition is a bona fide farm. A winery located on the same property as a vineyard, and operated to add value to the vineyard crop, is exempt from county zoning regulations under Article 1, Section 5 of this ordinance.

Lighting: Outdoor lighting shall be designed to minimize light directly hitting adjacent property or any public right-of-way.

Screening and Fencing: All parking and storage areas associated with the winery shall be screened from adjoining properties used or zoned for residential or agricultural purposes. If existing topography and natural vegetation does not provide an existing visual barrier, selective screening may be required. Screening shall meet the requirements of Article 18 (Buffers and Screening).

Additional Requirements: Associated small-scale processing or catering facilities (i.e. cheese making, restaurant) that are incidental to the winery, but may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Board of Adjustment. The Board of Adjustment shall hold a public hearing and upon approval issue a Conditional Use Permit for each use. Associated uses are subject to the above requirements as well.

*[Add Provision #1 to the following text, for Wine Tasting Rooms located on farm/vineyard properties]*

## **Wine Tasting Room**

Zoning Districts: RA, CB

Site Standards:

1. A wine tasting room may be operated in association with an existing vineyard, which by definition is a bona fide farm. A wine tasting room located on the same property as a vineyard, and operated to add value to the vineyard crop, is exempt from county zoning regulations under Article 1, Section 5 of this ordinance.
2. Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purposes is minimal.

Lighting: Outdoor lighting shall be so designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: All parking and storage areas, as well as the wine tasting room itself, shall be screened from adjoining properties used or zoned for residential purposes. If existing topography and natural vegetation does not provide an existing visual barrier, selective screening may be required. Screening shall meet the requirements of Article 18 (Buffers and Screening).

Additional Requirements:

1. Associated small-scale catering facilities (i.e. gift shop, cheese making, restaurant) which may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Board of Adjustment. The Board of Adjustment shall hold a public hearing and upon approval issue a Conditional Use Permit for each use. Associated uses are subject to the above requirements as well.
2. Festivals to be held in conjunction with the wine tasting room shall comply with the conditions and requirements for Outdoor Recreation as provided in this article, so that a consistent festival plan shall be included in the required site plan for the wine tasting room.

## ARTICLE 21. DEFINITIONS

*[Add New Definition]*

**LIVESTOCK.** Domesticated animals intentionally reared in an agricultural setting to produce food, fiber or other materials, or for their labor. Not to include dogs kept in kennels, or other domestic or exotic household pets.

The floor was open for Public Hearing. There were no speakers for this text amendment at today's meeting.

**Commissioner Wooten made a motion to approve the Zoning Text Amendment to Articles 1, 11, 17, and 21 as well as the Statement of Consistency. Commissioner Wagoner second.**

**Vote: 4-0**

**[The Statement of Consistency could not be added electronically to the minutes, instead is offered as a hard copy and attached as Addendum B]**

- (2) Planning & Development Director, Kim Bates, requested rezoning of property on Dobbins Road near Burch Ferry Road from CB to RA. This represents a corrective action to rezone according to similar tracts of land in the area and is recommended by the Planning Board.

**Staff Report, Petition for Rezoning of Parcels #4981 0076 1842, #4981 0066 8898 and #4981 0076 4948**

**Public Hearing Scheduled:** August 20, 2007

**Petitioner:** Yadkin County Planning & Development **Owners:** Amy and Roger Reece, Joey and Debra Brown, and Major Woodruff et al

**Property Location:** At or near 2720 Dobbins Road, northwest side, 275 feet south from Burch Ferry Road

**Property Description:** Approx. 4.35 contiguous acres, approx. 730 feet road frontage on Dobbins Road along southeast boundary. Wooded with cleared well-established home sites, level topography. Dwellings and appurtenant structures on the Reece and Woodruff properties; no structures on the Brown property.

**Surrounding Zoning Districts:** Rural Agriculture in all directions, nearest business zoning is a single industrial (junkyard) property 0.8 mile east.

**Surrounding Land Uses:** Residential/agricultural properties on all sides.

**Reclassification Requested:** From Community Business (CB) to Rural Agricultural (RA)

**Proposed District Described:** From Article 7, Section 4: Establishment and Intent of Zoning Districts...

**RA Rural Agriculture**

The purpose of this district is to maintain a rural development pattern where single-family housing is intermingled with agricultural uses, not having access to public water and sewer systems. This district is also designed to protect rural areas from the intrusion of non-agricultural land uses that could create a nuisance, detract from the quality of life and/or present a danger to the natural environment.

**Planning Board**

**Recommendation:** The Planning Board on July 9, 2007 recommended approval of the proposed reclassification to RA, by a unanimous (5-0) vote. Minutes show that evidence has been presented to the County that the property is in residential use and is surrounded by residential, agricultural and unimproved wooded lands, and has no past history of use for business purposes.

**Staff Recommendation:** Staff proposes this action to correct the erroneous business zoning of the property.

The floor was open for Public Hearing. There were no speakers for this rezoning request at today's meeting.

**Commissioner Wooten made a motion to approve the rezoning of the property on Dobbins Road from CB to RA along with the Statement of Consistency. Vice Chair Garner second.**

**Vote: 4-0**

**[The Statement of Consistency could not be added electronically to the minutes, instead is offered as a hard copy and attached as Addendum C]**

Planning & Development Director, Kim Bates, presented information on a rezoning request for Jimmie Ray Durham property on Butner Mill Road.

**Staff Report, Petition for Rezoning of Parcels #5879 0003 0186 and #5879 0002 2760**

Public Hearing Scheduled:	August 20, 2007
Petitioner:	Owner Jimmie Ray Durham
Property Location:	Between Butner Mill Road and Ammons Road, approx. 1,000 feet south from the intersection of those two roads, about 3 miles southeast of East Bend.
Property Description:	Approx. 42 contiguous acres, approx. 1,200 feet road frontage on Ammons Road along east boundary; approx. 850 feet of road frontage on Butner Mill Road along west boundary. Mostly cleared, uneven topography, no major structures other than small well houses.
Surrounding Zoning Districts:	Rural Agriculture in all directions, no other residential districts; nearest business district: 2 single Community Business (CB) properties 0.8 mile south and 0.6 mile north.
Surrounding Land Uses:	Residential/agricultural properties on all sides. One nonconforming business on Butner Mill Rd near northwest edge of the property.
Reclassification Requested:	From Rural Agricultural (RA) to Restricted Residential (RR)
Proposed District Described:	<p>From Article 7, Section 4: Establishment and Intent of Zoning Districts...</p> <p><b>RR Restricted Residential</b></p> <p>The purpose of this district is to stabilize established and planned residential neighborhoods by providing a place for medium density stick built and modular homes, provided that adequate water and sewer systems are available.</p>
Planning Board Recommendation:	<p>The Planning Board on July 9, 2007 recommended approval of the proposed reclassification to RR, by a unanimous (5-0) vote. Minutes below:</p> <p><u>Proposed Zoning Map Amendment.</u> Jimmy R. Durham</p> <p>To rezone the Durham property, East Bend Community, Between Ammons and Butner Mill Road , from RA to RR</p> <p>Ms. Nancy Brady from Nancy Brady Realty was present to speak to the Board on this issue. Hennings recessed at 7:30 p.m. to look at the Zoning Map in Bates office to see where and what other zoning districts were located in the area.</p> <p>Hennings reconvened the meeting at 7:35 p.m. The Planning Board considered all guidelines for rezoning as set forth in Article 4, Section 3 of the Zoning Ordinance.. Other issues discussed were the fact that there were no other districts zoned like this one any where close in the area, whether the proposed rezoning does or does not follow the guidelines of the Land Use Plan for the County, and whether the Board of Commissioners would go along with their recommendation.</p> <p>Reinhardt made a motion to recommend approval of rezoning from RA to RR. Second by Welborn.</p> <p><b><u>[The Board voted 5-0 to recommend the proposed rezoning]</u></b></p>
Staff Recommendation:	<p><b><u>[Updated 08/15/07]</u></b> Due to the need to ensure reasonable and compatible subdivision of the property and avoid small-lot subdivision at this location, Staff recommends that applicant submit a large-lot proposal to the planning board for conditional rezoning.</p>

- (3) Upon review, the Planning Board has recommended a large-lot proposal be provided by the petitioner for conditional zoning to ensure the rural nature of the neighborhood. Petitioner, Jimmie Ray Durham has requested postponement of the Board's decision until such time that a large-lot plan can be provided to the Planning Board. The Public Hearing was held as scheduled and the floor was open.

Aaron Lang, resident of Butner Mill neighborhood, speaking on behalf of area neighbors, was opposed to the rezoning. Mr. Lang stated that the request is inconsistent with current zoning and not in the interest of the general public. Mr. Lang further commented that land along the Yadkin River should receive the most protection possible for safety and public interest.



George Rashard commented that there had been no convincing demonstration for rezoning and that this request would only serve the property owner and not the interest of the general public. Mr. Rashard offered that the neighborhood of Butner Mill Road would not be opposed to the postponement of a decision based on the Planning Board's recommendations.

Ann Owens stated that she and her husband reside in the Butner Mill neighborhood because of the beauty and privacy of the area. Mrs. Owens felt that Mr. Durham's petition threatened the sanctity of the neighborhood and would cause property values to decline. Mrs. Owens asked the Board to deny the petition for rezoning.

Hugh Whitted reported that the actual mill on Butner Mill Road had been restored to pristine condition and may be the only operating mill in the County. Mr. Whitted further remarked that the mill has historic significance and this proposed rezoning would jeopardize the history of the area as well as living conditions.

**Commissioner Wooten made a motion to suspend the rules for Public Hearing. Vice Chair Garner second.**

**Vote: 3-1 (Wagoner against)**

Elder Cochran felt the proposed rezoning was not conducive to the neighborhood and found it to be "heartbreaking".

Public Hearing closed at 7:51pm.

After some discussion on procedure and protocol, Commissioner Wagoner motioned on this petition.

**Commissioner Wagoner made a motion to postpone the decision on the current Jimmie Ray Durham petition for rezoning until the September 4, 2007 meeting allowing Mr. Durham the opportunity of providing requested documents by August 31, 2007. Vice Chair Garner second.**

**Vote: 4-0**

## **BOARD APPOINTMENTS**

There were no requests for Board appointments at today's meeting.

*Chair Phillips called for a recess at 8:00pm. Meeting resumed at 8:10pm.*

## **BOARD REPORTS/REQUESTS**

Randy Darden, Arcadis Engineer, offered the following updates on water and sewer projects:

- (1) Courtney School and VFD Extensions –
  - will have plans by mid-September
  - has begun generating of list of easements
  - easement numbers not known at this time
  - estimates about 1 ½ miles
  - budget includes a line item for easements, if needed
  - bidding will begin in November with construction beginning December or January
  - Jimmy Lynch already familiar with Yadkin, possible candidate for construction
  - anticipated costs are \$300,000 for 12" pipe and \$200,000 for 8" pipe

**Commissioner Wooten made a motion to accept the Work Scope provided by Arcadis Engineering for the Courtney School and Courtney Volunteer Fire Department water line extensions. Commissioner Wagoner second.**

**Vote: 4-0**

**[Arcadis documents, including the Work Scope for water line extensions to Courtney School and Volunteer Fire Department, could not be added electronically to the minutes, instead are offered as a hard copy and attached as Addendums D and E]**

- (2) Jonesville Pump Station –
  - Jonesville prefers to make modifications rather than move
  - Jonesville prefers to add a booster pump
  - extensions to middle school will not meet resistance from regulatory agencies
  - inspection costs can be rolled into the loan and reimbursed to the county
- (3) I-77/421 Interchange –
  - progressing nicely, no concerns at this time
- (4) Hoots Road Sewer Lines –
  - costs are in – line item display was not available
  - under estimated costs

Attorney Graham provided a document of easement updates. Attorney Graham spoke on the easement process offering that he had traveled to McDonalds three times in 1 morning trying to catch one of the property owners that had been unable to be reached by other means. Other properties include estates where heirs must be located. Condemnation requires 30-day notice. It will be the latter part of September before condemnation process is complete.

**[Easement update document could not be added electronically to the minutes, instead are offered as a hard copy and attached as Addendum F]**

Randy Darden offered that construction can begin without the easements, at least in some areas.

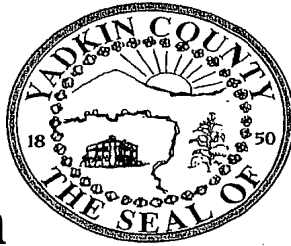
There was some discussion of the need for a large water storage tank at the Yadkinville water plant. Further discussions to follow.

Randy Darden offered that waterline extensions to the future middle school at Starmount could be constructed without additional county dollars.

**Commissioner Wagoner made a motion to approve waterline extensions to the future middle school at Starmount High School. Commissioner Wooten second.**

**Vote: 4-0**

Brent McKinney, Executive Director of PART, appeared before the Board with a ***Resolution Approving the Levy of a Privilege Tax by Board of Trustees of the Piedmont Authority for Regional Transportation on Retailers Engaged in the Business of Leasing or Renting U-Drive-It Vehicles or Motorcycles***. Some discussion followed in reference to revenues generated by Yadkin County when compared to surrounding counties. Mr. McKinney assured the Board that the dollar figures were not important. Supporting the action alone allows PART to provide further services to Yadkin County. Mr. McKinney further remarked that approximately 1 acre is needed for Park and Ride lots. PART does not lease but rather purchases the needed acreage. PART has the authority to condemn but will most likely not use that course of action in these programs.



# Yadkin County

## Administrative Offices

PO Box 146

*Kim Clark Phillips, Chairman of Board*

*Tommy Garner, Vice Chairman*

*Joel Cornelius, Commissioner*

*Chad Wagoner, Commissioner*

*Brady Wooten, Commissioner*

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*Jim Graham, County Attorney*

*Eric Williams, County Manager*

*Gina Brown, Clerk to the Board*

### **RESOLUTION APPROVING THE LEVY OF A PRIVILEGE TAX BY BOARD OF TRUSTEES OF THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION ON RETAILERS ENGAGED IN THE BUSINESS OF LEASING OR RENTING U-DRIVE-IT VEHICLES OR MOTORCYCLES**

WHEREAS, The Piedmont Authority for Regional Transportation, hereinafter "PART," is an Authority created pursuant to the provisions Regional Transportation Authority Act for the purpose of enhancing the quality of all forms of transportation in the Piedmont Triad Region; and

WHEREAS, in the furtherance of its purpose, PART has undertaken an aggressive Work Program, which includes passenger rail studies, regional bus services, regional land use and air quality planning, land use and transportation planning for the Piedmont Triad International Airport area, coordination of human services transportation in the region, management of regional ridesharing and vanpooling services, and coordination of the regional activities of metropolitan planning organizations; and

WHEREAS, N.C.G.S. 105-551 authorizes the Board of Trustees of an Authority to levy a privilege tax of up to five percent (5%) on the gross receipts derived by retailers who are engaged in the business of short-term leasing or rental of U-drive-it vehicles or motorcycles; and

WHEREAS, the provisions of N.C.G.S. 105-551 (b) require a public hearing on the tax and the approval of the tax by each county included in the special tax district of the territorial jurisdiction of the Authority; and

WHEREAS, the provisions of N.C.G.S. 105-551 (c) authorizes a regional transportation authority to create a special district that consists of the entire area of one or more counties within the territorial jurisdiction and to levy the said privilege tax on behalf of the special district only with the approval of the tax by each county in the special district.

NOW, THEREFORE BE IT RESOLVED, that the Yadkin County Board of Commissioners hereby approves the levy of a five percent (5%) privilege tax within the territorial jurisdiction by the PART Board of Trustees on retailers who engage in the business of leasing or renting U-drive-it vehicles or motorcycles based on the gross receipts derived by the retailer from the short-term lease or rental of these vehicles after all of the applicable requirements set forth in N.C.G.S. 105-551 (b) have been met.

BE IT FURTHER RESOLVED, that the Yadkin County Board of Commissioners hereby requests that the Board of Trustees of the Piedmont Authority for Regional Transportation (PART) conduct biennial reviews of the necessity to continue to levy the privilege tax approved herein and further that the said PART Board make presentations of its findings to this Board of County Commissioners.

Motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_ and  
Adopted on this being the 20<sup>th</sup> day of August, 2007.

Approved: \_\_\_\_\_  
Yadkin County Board Chairman

Attest: \_\_\_\_\_  
Clerk to the Board

**Commissioner Wooten made a motion to present the *Resolution Approving the Levy of a Privilege Tax by Board of Trustees of the Piedmont Authority for Regional Transportation on Retailers Engaged in the Business of Leasing or Renting U-Drive-It Vehicles or Motorcycles* to the PART Board of Trustees. Commissioner Wagoner second. Vote: 4-0**

Planning and Development Director, Kim Bates, presented a ***Resolution Concerning PART Land Use Policies***. Director Bates reported that the Planning Board had reviewed 2025 Policies and Actions for Regional Growth and found them appropriate for regional land use and transportation planning. The Planning Board is recommending adoption of the resolution.

Jim Yarbrough, Planning Specialist with PART, stated that the Resolution is not mandatory but indicates a spirit of cooperation.

## **RESOLUTION CONCERNING PART LAND USE POLICIES**

**WHEREAS**, the Piedmont Authority for Regional Transportation (PART) has been organized to promote regional cooperation in creating better transportation solutions for the region, and

**WHEREAS**, in order to create better regional transportation options, it is essential that supportive and complementary land development patterns be established, and

**WHEREAS**, there has been conducted a regional study identifying the most effective ways that land development and transportation can be coordinated, and

**WHEREAS**, PART has asked local planning boards and land use decision-making bodies in the Piedmont Triad area to either adopt the recommended policies and actions from that study **or** to certify that the adopted comprehensive plan is consistent with those policies, and

**WHEREAS**, **Yadkin** County is a participating member government of PART, and looks to the Yadkin County Planning Board to develop long range plans for Yadkin County;

**NOW, THEREFORE, BE IT RESOLVED BY THE YADKIN COUNTY PLANNING BOARD THAT:**

1. The County Planning Board finds that the 2025 Policies and Actions are appropriate for Regional land use and transportation planning in the Piedmont Triad, and will work to coordinate the County comprehensive plan with those policies and actions.
2. The Yadkin County Planning Board is committed to the active implementation of those policies and actions.
3. The Yadkin County Planning Board recommends that the Yadkin County Board of Commissioners can and should also make this determination.

Adopted this 13<sup>th</sup> day of August, 2007

Adopted this 20<sup>th</sup> day of August, 2007

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Chairman, Yadkin County Planning Board

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Chairman, Yadkin County Board of Commissioners

**Commissioner Wooten made a motion to approve the *Resolution Concerning PART Land Use Policies*. Vice Chair Garner second.**

**Vote: 4-0**

### **BOARD ACTION**

**Commissioner Wagoner made a motion to adjust the minutes from May 7, 2007 replacing the word 'new' with 'existing' in reference to air conditioning at the current jail. Vice Chair Garner second.**

**Vote: 4-0**

Major Danny Widener of the Yadkin County Sheriff's Office provided proposals by Dorsett's for air conditioning in the current jail, as well as budget amendments for the estimated costs. Major Widener reported on a visit by the state inspector. Engineered drawings by Dorsett's were provided to the state inspections office and approved. The county inspection officer, Gary Hayes, also approved the plans. All previous plans and bids were denied by the state department. Commissioner Wooten voiced concerns that other Heating and Air Contractors were not given the opportunity to bid.

**[Dorsett's documents could not be added electronically to the minutes, instead are offered as a hard copy and attached as Addendums G]**

Date August 20, 2007

General Fund

Dept: Jail

Description	Account Number	Original Budget	Increase/Decrease	Amended Budget
Equipment	1054320-56010	2,000.00	25,000.00	27,000.00
Appropriated Fund Balance	1044000-49000	1,396,200.86	25,000.00	1,421,200.86

To install two outside air conditioning units at the jail facility.

Larry Long of Lomar Enterprises asked to address the Board on this issue. Chair Phillips agreed. Mr. Long reported that he had presented bids on the jail project and he had been the lowest bidder. When questions of engineered drawings came up, he had a conversation with Manager Williams and was told that engineered drawings would be provided to the bidders. Manager Williams explained that the county did not have a clear understanding of the process or what was expected by the state office. After much discussion, the majority of the Board agreed not to provide the drawings but have each interested bidder provide their own. Mr. Long further noted that he had not been notified of additional bids or the need to provide his own drawings. Commissioner Wooten added that local business people should have an opportunity to bid for county projects. Commissioner Wagoner asked for clarifications on the bidding process and how it was handled by the Sheriff's Office. Vice Chair Garner apologized to Mr. Long for any miscommunication but stated that the Board must move on with air conditioning the jail. Mr. Long replied that he intends to bring a suit if not given the opportunity to bid.

**Chair Phillips made a motion to approve the Budget Amendment raising the previously approved \$25,000 for air conditioning the existing jail to the estimated \$27,000 per Dorsett bid. Vice Chair Garner second. Commissioner Wooten requested an adjustment to the motion to add air conditioning for all school lunchrooms and providing air conditioning for senior citizens without. Commissioner Wooten's request for an adjustment failed for lack of a second.** Commissioner Wooten continued the discussion in regards to air conditioning the jail. Commissioner Wooten questioned the need to close the jail for temperatures at 85° when temperatures are much worse for most working people.

**Vote: 3-1 (Wooten against)**

**Chair Phillips made a motion to approve the Budget Amendment for an additional \$3000 in equipment for air conditioning at the existing jail. Vice Chair Garner second. Vote: 3-1 (Wooten against)**

Date: August 20, 2007

General Fund

Dept: Jail

Description	Account Number	Original Budget	Increase/(Decrease )	Amended Budget
Equipment	1054320-56010	27,000.00	3,000.00	30,000.00
Appropriated Fund Balance	1044000-49000	1,421,200.86	3,000.00	1,424,200.86

To install two outside air conditioning units at the jail facility.

The Board reviewed the ***Agreement for Provision of County-based Aging Services*** provided by the Northwest Piedmont Area Agency on Aging. There were no issues or concerns.

**[NWPCOG Agreement for Provision of County-based Aging Services  
could not be added electronically to the minutes,  
instead are offered as a hard copy and attached as Addendum H]**

**Commissioner Wooten made a motion to accept the Agreement for Provision of County-based Aging Services. Commissioner Wagoner second. Vote: 4-0**

Chair Phillips reported that the first September meeting of the Board of Commissioners would be moved to Tuesday, September 4, 2007 due to the Labor Day Holiday. The meeting will begin at 9:00am.

### **MANAGER REPORTS/COMMENTS**

**County Manager, Eric Williams**, reported the following to the Board:

(1) Manager Williams presented a written statement of recommendation on subsurface soil testing. Commissioner Wooten called for a point of order stating that this document was not in the original agenda packet.



# Contract for Sub-Surface Soil Testing and Evaluation – Jail Project

## (Agenda Item XIII-A)

**Purpose:** To secure professional engineering services related to sub-surface soil and geotechnical investigations. Further services may be needed depending upon conditions encountered.

**Proposals Solicited:** By a Request for Proposals (RFP), dated 7-30-07, for Reavis Road Property.

**Firms Contacted  
and Prices Submitted  
as Follows:**

ESP Associates, P.A. (*dated 8-15-07*)  
Concord, NC  
\$4,735.00 + billable items

Professional Services Industries, Inc. (PSI) (*dated 8-15-07*)  
Charlotte, NC  
\$6,900.00

Soil and Material Engineers (S&ME) (*dated 8/16/07*)  
Greensboro, NC  
\$4,160.00

**Recommendation:** Engage Soil and Material Engineers (S&ME). Moseley Architects analyzed each proposal and recommends S&ME on 8/20/07.

**Budget Authority:** Currently \$20,000 in accordance with Capital Project Ordinance approved 5/21/07.

**Request:** Authorize execution of proposal/contract by County officials and authority to so advise Moseley Architects for S&ME to begin work.

**Chair Phillips made a motion to adjust the agenda adding this document for review. Vice Chair Garner second.** Commissioner Wooten stated that there are agenda rules and they should be followed. Data that is not provided by the agenda deadline should be postponed until the next meeting. Commissioner Wooten further remarked that he did not have a problem with earlier documents presented.

**Vote: 3-1 (Wooten against)**

**Vice Chair Garner made a motion to accept the bid of S&ME for subsurface soil testing for the Reavis Road property. Chair Phillips second.** Commissioner Wooten questioned the pre-audit certificate. Attorney Graham remarked that the certificate must be attached but does not necessarily require reviewing prior to Board approval.

**Vote: 3-1 (Wooten against)**

(2) Manager Williams reported discussions with the school architects. Footings should be poured by December or January. The County will pay this out-of-pocket, then receive reimbursement. October 29 would be the appropriate date for a joint meeting with the Board of Education. The Board of Commissioners indicated a desire to continue the joint meetings on the 5<sup>th</sup> Monday of each quarter.

(3) The Board was provided a copy of the Parks and Recreation Ordinance listing the park's operating hours. Manager Williams reported that signs have been ordered and should be in within a week or so. The new signs will contain the general statute against trespassing.

(4) Manager Williams reported that Bob Segal would be attending the September 4 meeting of the Board to discuss banking, investments, and other financial concerns.

(5) Manager Williams briefly discussed updates on the new outpost for West Yadkin and plans to report at the September 4 meeting of the Board. Manager Williams reported that the position for an additional fire/building inspector has not yet been posted. Other vacant county positions have been filled. Manager Williams also asked the Board to consider establishing a committee that would include 2 of the Commissioners and the Manager to review personnel issues such as classification studies and pay scales. Mr. Williams is not expecting a decision on this matter at today's meeting but would like to see some discussion in that regard.

(6) Manager Williams reported that the audit field work is underway and expected to continue for 6 to 12 weeks.

(7) Manager Williams reported that site and space selection assistance for possible AG Building sites is being offered by the North Carolina State University Agricultural Department. Additional information will be provided at the September 4<sup>th</sup> meeting. Interviews for the Agricultural Extension Officer position will begin on Tuesday, August 21. Manager Williams will be participating. Once the interview panel has made a decision, the Board of Commissioners will meet in closed session to review their recommendations and make a selection.

(8) Manager Williams will be participating in a County Administration Course through the School of Government. The course will require Manager Williams to be out of the office on Thursday and Friday of some weeks.

(9) The Notice of Offer in reference to the Cooper James offer of \$240,000 for 1 acre of property on State Street did not get published in The Yadkin Ripple as expected on Thursday, August 16. Representatives from the paper have assured the Clerk that the notice will be published the following week.

### **CALENDAR NOTES**

Manager Williams reported a Credit Union Information Fair to be held jointly with the Town of Yadkinville on August 29, 2007. This will provide employees an opportunity to learn about the benefits of banking with the local credit union.

## **COMMISSIONER COMMENTS**

Vice Chair Garner reported that he had been asked to serve on the Aging Planning Committee.

**Commissioner Wooten made a motion to appoint Vice Chair Garner to the Aging Planning Committee. Chair Phillips second.**

**Vote: 4-0**

Vice Chair Garner apologized once more to Larry Long for the miscommunication on air conditioning bids for the jail.

Commissioner Wooten thanked Manager Williams for cleaning the Commissioners Chambers.

Commissioner Wooten commented that the Household Solid Waste Fee should be reevaluated. Collection sites at I-77 are full and collection rates have tripled since the adoption of the ordinance. Commissioner Wooten reviewed the tax bill from a citizen who had contacted him. The citizen owed \$5.28 in property tax and \$60.00 on the household fee. With her social security benefit being less than \$500.00 per month, this citizen stated she simply could not afford to pay the solid waste fee. There were some additional concerns regarding the fee being applied to land owners or dwelling owners. The consensus of the Board was that the fee applies to dwellings. Commissioner Wooten felt that the Ordinance for Solid Waste Household Fee may not be clear.

The Board briefly discussed a legislative bill that would require the payment of property tax on vehicles at the time the license is purchased. This would streamline the process for car-buyers and prevent delinquent tax payments on vehicles.

Commissioner Wooten suggested establishing a committee to review the county's outsourcing of certain tasks; such as audits, legal matters, and others in all departments. Commissioner Wooten is not suggesting that there are any specific concerns, but that the process should be looked at more closely.

Commissioner Wooten asked Manager Williams for an update on the Mountain Crest issue. Manager Williams had made some phone calls but had nothing to report at this time.

Commissioner Wooten reminded the Board of concerns for overtime pay for EMT and Communications workers. Manager Williams reported that this issue had not been reviewed due to the medical leave of Kim Cain, HR Manager.

Commissioner Wooten stated that the county should push forward on easements and the sewer projects.

Manager Williams made one additional comment in reference to Medicaid relief. Manager Williams intends to provide the Board with a spreadsheet indicating the effects of the 4-year phase out of county Medicaid expenses at the September 4<sup>th</sup> meeting.

Commissioner Wagoner had no additional comments at this time.

Chair Phillips reported a discussion she had with Dr. Oz Prim at the Yadkin Family YMCA. Currently the YMCA pool and the County pool are drained and cleaned at 2 different times in the year. Dr. Prim would like to see these procedures completed at the same time so that water from one pool can move to the other pool resulting in less waste.

**Chair Phillips made a motion to set the County pool cleaning to coincide with the YMCA cleaning. Commissioner Wagoner second.**

**Vote: 4-0**

After further research, Chair Phillips reported that Vice Chair Garner is currently assigned to the Piedmont Triad Partnership Board. The next meeting is scheduled for Monday, August 27 from 11:30-1:00. According to the Piedmont Triad Partnership By-Laws, Yadkin County will have a representative for a 2-year term and then will rotate off the Board for 2 years.

Chair Phillips reported that there had been much discussion at the NCACC conference in reference to recent land transfer tax and sales tax legislation. These tax options for counties require a referendum, but that referendum is advisory only. County government retains the ability to choose one or neither of the options. In order to be on the November ballot, the Board must take action by September 4. It was the consensus of the Board not to take action at this time.

**Commissioner Wooten made a motion to adjourn. Commissioner Wagoner second.**

**Vote: 4-0**

Meeting adjourned at 10:24pm.

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Prepared and Approved by Clerk to the Board